

REMARKS

Reconsideration of the above-identified application is requested in view of the remarks that follow.

In the November 24, 2004, Office Action in this application, claims 6-14 and 18-24 were objected to as being dependent upon a rejected base claim. However, the Examiner stated that claims 6-14 and 18-24 would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. As indicated above, claims 6-14, and claim 5, which is an intervening claim of claim 6, have been cancelled. New claims 25-33, corresponding to cancelled claims 5-14, have been added. Similarly, claims 18-24 have been cancelled and corresponding new claims 34-40 have been added. It is believed, that new claims 25-40 are now in condition for allowance.

The Examiner rejected Applicant's original claims 1, 2 and 15 under 35 U.S.C. 103(a) as being unpatentable over the Yogeshwar '232 patent in view the Bayston '888 patent. Claims 3-5, 16 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over the Yogeshwar reference in view of the Bayston reference, and in further of the Kondo '581 patent. For the reasons set forth below, Applicant submits that Applicant's original claims 1-4 and 15-17 patentably distinguish over the references cited by the Examiner, whether considered individually or in combination.

More specifically, Applicant's original claim 1 is directed to an apparatus that alters the total running time of an original multi-channel program signal. Similarly, Applicant's original claim 15 is directed to a method of altering the total running time of an original multi-channel program signal. In each case, the object of altering the total running time of the original program signal is accomplished by first determining a difference value indicative of a difference between a characteristic of an initial signal window in a program signal and a subsequent signal window based upon a predefined criterion. If it is determined that the predefined criterion has been met, then removal circuitry deletes a multi-window segment from the original multi-channel program signal, resulting an alteration of the total running time of the original signal.

Upon careful review of the Yogeshwar reference and the Bayston reference, which have been cited in combination by the Examiner against claims 1 and 15, Applicant is of the good faith belief that neither reference, whether considered individually or in combination, either teaches or suggests the alteration of the total running time of the original multi-channel program signal, by determining whether a comparison of program signal portions derived from the original program signal meet a predefined criterion and, based upon that decision, deleting multi-window segments from the original multi-channel program signal if the criterion is met.

For the reason set forth above, Applicant is of the good faith belief, that original independent claim 1, and claims depending therefrom, and original claim 15, and claims depending therefrom, patentably distinguish over the prior art.

Based on the above, Applicant requests that the application be passed to allowance.

Respectfully submitted,

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